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Technical Management Board
International Organization for Standardization
ISO Central Secretariat
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Dear Chairperson Daverveldt and Members of the Technical Management Board,

We, the undersigned organizations, write to strongly oppose a proposal by the Swedish Standards Institute to set up a Technical Committee (“TC”) on Social Responsibility by the International Organization for Standardization (“ISO”). The proposed TC on Social Responsibility focuses on developing ISO deliverables in areas such as Human Rights and Labor Practices,¹ and creating potential standards for human rights and labor practices based on a compliance and audit based management systems approach. We do not believe that such areas can or should be standardized in such a reductive approach.

¹ Form 1: Proposal for a new field of technical activity (Jun. 18, 2017) (on file with the ISO, ref no: ISO/TS/P TSP/267.)

Business and State responsibilities with respect to human rights are already determined by international human rights law, frameworks, and treaties. ISO standards are not appropriate to address business respect for human rights.

Human rights are codified in international law and supported through mechanisms developed and implemented at the international level, and are incorporated into national laws by governments. The International Bill of Rights consisting of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly is the core international law governing human rights applicable to all persons and States.² Likewise, standards regarding labor practices are developed by the International Labour Organization.³

The United Nations Guiding Principles on Business and Human Rights ("UNGPs") are built upon international human rights and labor law, and elaborate the State's duty to protect against business-related human rights abuses, the responsibility of companies to respect human rights, and the need to strengthen access to appropriate and effective remedies for victims of business-related human rights abuses.⁴ The UNGPs constitute a global standard and provide practical guidance to companies about what steps they should take to ensure that they respect internationally recognized human rights. Additionally, the UNGPs are incorporated in other international governance frameworks such as the OECD Guidelines for Multinational Enterprises ("OECD Guidelines").⁵

ISO Standards, developed through Technical Committees, cannot with any credibility interpret international law into management systems approaches for business. Instead, business should look to international standards, such as the UNGPs, for guidance on interpreting the responsibilities of business with respect to human rights. Furthermore, by engaging in efforts to interpret universally agreed standards and norms, the ISO risks generating a compliance approach to human rights, creating unnecessary work for businesses in order to demonstrate compliance with the proposed standard, and distracting from the role of governments in ensuring adherence with these universal norms.

² UNITED NATIONS, *Universal Declaration of Human Rights*, available at <http://www.un.org/en/universal-declaration-human-rights/index.html> (last visited Aug. 9, 2017)

³ INTERNATIONAL LABOUR ORGANIZATION, *ILO Declaration on Fundamental Principles and Rights at Work*, available at <http://www.ilo.org/declaration/lang--en/index.htm> (last visited Aug. 11, 2017)

⁴ *United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, adopted by the UNITED NATIONS HUMAN RIGHTS COUNCIL, U.N. Doc. A/HRC/17/L.17/31 (June 2011) (last visited Aug. 9, 2017)

⁵ OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES, available at <http://www.oecd.org/corporate/mne/1922428.pdf> (last visited Aug. 9, 2017)

Private standards on human rights developed through ISO will not be considered credible by stakeholders and will create confusion in the realm of existing human rights standards

Consensus has been achieved on the obligations of States and the responsibilities of business with respect to human rights. This consensus is reflected in the unanimous endorsement of the UNGPs by the United Nations Human Rights Council and the subsequent uptake of this framework by companies, investors, and States.⁶ Furthermore, a host of international standards already exist to guide business behavior with respect to human rights. These include the OECD Guidelines and a number of supplemental guidance documents developed through negotiation at the OECD.⁷

An ISO Technical Committee created to develop, among other things, standards that address human rights, is likely to result in divergent approaches with other authoritative human rights standards. This would add confusion where there is current international consensus, as reflected in the UNGPs, on the implementation of the corporate responsibility to respect human rights. Given this international consensus and the codification of human rights in international law, efforts by private enterprises to create a voluntary compliance and audit based management standard for human rights would not be viewed as credible or legitimate by stakeholders in the human rights community. Additionally, the proposed standards would not only sow confusion but through the certification process, could potentially provide a smoke screen behind which businesses could hide, thereby benefiting neither the human rights of employees, communities in which they operate, nor businesses attempting to do the right thing. As such, an ISO standard is not only unnecessary, but also potentially harmful.

A compliance and audit based management system fails to improve the lives of workers and communities

There is evidence of the failure of compliance and audit based management systems to ensure respect for human rights.⁸ In addition, there is no accessible data demonstrating the positive impact of ISO 26000 guidance on social responsibility on improving the lives of workers or communities.

Moreover, ISO has expertise in producing standards on technical matters, such as quality control, safety, and efficiency.⁹ The development of ISO standards around such technical issues

⁶ For example, through the development and implementation of National Action Plans on Business and Human Rights by States, and adoption of the UN Guiding Principles Reporting Framework by companies (*available at <https://www.ungpreporting.org/about-us/>*).

⁷ OECD, *Guidance for Multinational Enterprises*, available at <http://www.oecd.org/corporate/mne/> (last visited Aug. 9, 2017)

⁸ See, for example, RICHARD M. LOCKE, *The promise and limits of private power: Promoting labor standards in a global economy*. Cambridge University Press, 2013.

⁹ ISO 9000 – QUALITY MANAGEMENT, available at <https://www.iso.org/iso-9001-quality-management.html> (last visited Aug. 7, 2017)

is not comparable to developing standards for human rights, as human rights are not technical but rather normative and dynamic in nature.

Conclusion

A voluntary compliance and audit based management systems standard will not be sufficient for ensuring and evidencing a company's commitment to and actual respect for human rights throughout its operations. Establishing such a voluntary management system standard would undermine already agreed upon international standards and would not be seen as credible or legitimate by stakeholders. As such, any private human rights standards developed by the ISO will be redundant and potentially detrimental.

We, therefore, reject the proposal to create an ISO Technical Committee for Social Responsibility and will advocate for others to do the same.

Yours sincerely,

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